

03.06.2021
Item no.42
Court No.28
Avijit Mitra

C.R.M. 3593 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re : Masidur Rahaman & ors.

.... petitioners

Mr. Sagar Saha

....for the petitioners

Mr. N. Ahmed,

Md. Anwar Hossain,

Ms. Sreyashee Biswas

..... for the State

The present application for bail under Section 439 of the Code of Criminal Procedure has been preferred in connection with Malda Police Station Case No.538 /2020 dated 27.09.2020 under Sections 447/326/307/379/506/395/412/ 34 of the Indian Penal Code and under Sections 25 and 27 of Arms Act.

Mr. Saha, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in an alleged incident which occurred on 27th September, 2020. The allegations are omnibus in nature. No overt act has been attributed to the petitioners. Upon completion of investigation chargesheet has already been filed and as such, further detention of the petitioners who are in custody since the month of October, 2020, is not necessary.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the seizure list pertaining to the respective petitioners.

He further submits that an walkie talkie was recovered from the petitioner no.3 and a revolver from one Abdul Kaijur.

We have heard learned advocates appearing for the respective parties and considered the materials in the case diary. Abdul Kaijur is not before this Court. Considering the articles seized, the period of detention and the nature of allegations, we are of the opinion that further detention of the petitioners is not warranted in the facts and circumstances of the present case.

Accordingly, the petitioners, namely, **Masidur Rahaman, Jahangir Alam, Muksed Sk., Minajul Islam and Enamul Hoque**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties of the like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Malda.

The petitioners shall meet with the Officer-in-Charge, Malda Police Station once a week on and from 8th June, 2021 until further orders.

The petitioners shall also attend the learned Trial Court on all the dates, as specified for hearing.

While on bail, the petitioners shall not intimidate witnesses and/or tamper with the evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioners' bail, without any further reference to this Court.

The application for bail being C.R.M. No.3593 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)